

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **3:CR-18-0097**
:
v. : **(Judge Mariani)**
:
ROSS ROGGIO : **(Electronically filed)**

MOTION TO CONTINUE TRIAL

AND NOW comes the Defendant, Ross Roggio, by his attorney, Gino Bartolai, Esquire, and files the following Motion to Continue Trial, and in support thereof avers the following:

1. On March 20, 2018, Roggio was charged in an Indictment with conspiracy to commit an offense against the United States, in violation of Title 18, United States Code, Section 371; violations of the Arms Export Control Act, Title 22, United States Code, Sections 2778(b) and (c); and the International Emergency Powers Act, Title 50, United States Code, Sections 1702 and 1705(c); smuggling goods from the United States, in violation of Title 18 United States Code Sections 554 and 2; wire fraud, in violation of Title 18, United States Code Section 1342; and money laundering, in violation of Title 18 United States Code, Sections 1956(a)(2)(A) and 2.

2. On March 23, 2018, Roggio appeared before Magistrate Judge Karoline Mehalchick for an initial appearance and arraignment and entered a plea of not guilty to the charges.

3. Thereafter, beginning on March 29, 2019, Roggio filed numerous motions and briefs seeking the suppression of evidence and the early disclosure of Jencks Material.

4. On May 27, 2021, the Court conducted a Suppression Hearing and at Roggio's request permitted further briefing of the issues presented.

5. Subsequently, after receiving and reviewing the transcript from the Suppression Hearing, both Roggio and the Government filed post-suppression hearing briefs.

6. On November 2, 2021, the Court issued an Order and Memorandum denying Roggio's motion to suppress evidence and for the early disclosure of Jencks Material.

7. Thereafter, On December 15, 2021, and February 8, 2022, the Court granted two further unopposed motions by Roggio to continue trial, (Docs. 118, 121). The latter order rescheduled trial in the matter to commence on June 22, 2022.

8. On February 15, 2022, Roggio was charged in a Superseding Indictment with two additional charges; Conspiracy to Commit Torture in violation of Title 18, U.S.C. Sections 2340 and 2340A (c), and Torture in violation of Title 18, U.S.C. Sections 2340, 2340(A)(a) and 2.

9. On February 17, 2022, Roggio was arraigned before Magistrate Judge Joseph F. Saporito on the Superseding Indictment and entered a plea of not guilty.

10. On June 3, 2022, a Joint Motion to Continue Trial was filed which was granted by the Court. Presently trial is scheduled to commence on February 6, 2023. (Doc. 150)

11. On August 9th and 10th, Attorneys Matthew Comerford, Curt Parkings, and Jason Shrive, entered their appearance as private counsel for Roggio.

12. On August 16, 2022, the Court granted the undersigned counsel's Motion to Withdraw as Counsel.

13. Thereafter Roggio proceeded with private counsel who filed several pretrial motions limited to the allegations alleged in the Superseding Indictment. (Docs. 166, 168, 170, 172).

14. The Court has addressed Roggio's motions filed by private counsel, denying all motions except for Roggio's request for an evidentiary hearing on his motion to suppress. (Docs 190, 192. 193, and 195).

15. At some point, Roggio and private counsel developed an irreconcilable

conflict which led to this Court, on December 16, 2022, to grant private counsel's motion to withdraw as counsel. (Doc. 201).

16. On December 22, 2022, this Court appointed the undersigned as counsel pursuant to the Criminal Justice Act. (Doc 203)

17. Roggio is herein respectfully requesting at least a continuance of the trial for the reasons set forth below.

18. The case is complex. The case was designated as complex by Order dated October 12, 2018. (Doc 39).

19. The undersigned counsel needs the continuance to get up to speed again with case/trial preparation. Apparently, additional discovery has been produced since counsel's last period of representation. Counsel is presently in the process of obtaining this discovery.

20. Roggio has identified several witnesses, both in the United States and in Estonia, Greece, and Iraq, that may be able to testify to facts and circumstances that demonstrate that Roggio had the necessary approval to engage in the activity alleged in the Indictment, and that he was acting under duress when so acting.

21. Similarly, Roggio has proffered that he was being blackmailed by a former employee who is now a government witness. (Doc. 179) The circumstances surrounding the claim of blackmail is central to the admissibility of the audio recording wherein the Government claims Roggio admitted to torturing

the victim and, through implication, incriminated himself as to the smuggling charges. (Doc. 175) The matter is of such importance that the Court has granted Roggio's request for an Evidentiary Hearing on the issue. (Doc. 195)

22. The undersigned submits that at a continuance is necessary in order to locate and interview the above-referenced witnesses. The anticipated presence of these witnesses at Roggio's trial is essential to his defense.

23. Assistant United States Attorney Todd K. Hinkley has been contacted about the substance of this motion and stated that he does concur in it.

24. The delay occasioned by this motion is excluded from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(8)(A).

WHEREFORE, the Defendant, Ross Roggio, respectfully requests that this Honorable Court continue the Trial presently set for February 6, 2023.

Respectfully submitted,

Date: December 31, 2022

s/Gino Bartolai
Gino Bartolai, Esquire
Attorney ID# PA 56642

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CERTIFICATE OF CONCURRENCE

I, Gino Bartolai, Esquire, certify that on this date I contacted Todd K. Hinkley, Assistant United States Attorney, who advised that he does concur in the within **Motion to Continue Trial.**

Date: December 31, 2022

s/Gino Bartolai

Gino Bartolai, Esquire

CERTIFICATE OF SERVICE

I, Gino Bartolai, Esquire, do hereby certify that I electronically served, via e-mail, a copy of the foregoing **Motion to Continue Trial**, to the following

Todd. K. Hinkley, Esquire
Assistant United States Attorney

and by placing the same into the United States Mail, first class postage prepaid addressed to

Ross Roggio

Date: December 31, 2022

s/Gino Bartolai
Gino Bartolai, Esquire